IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL CONTEMPT PETITION NO. 26 OF 2006

Ghanshyam Upadhyay ..Petitioner

Vs.

Shri Bronwyn D. Aguiar & anr. ..Respondents

Mr. Subhash Jha i/by M/s. Law Global for petitioner.
Ms. P.H. Kantharia, APP for State.
Mr. Bronwyn D. Aguiar, respondent no.1-in person present.

CORAM: B.H. MARLAPALLE & J. H. BHATIA,JJ.

Dated: December 8, 2006.

P.C.:

1. Heard Mr. Jha the learned counsel for the petitioner. As per the petitioner, the respondent in his various applications/replies filed before the Sessions Court at Mumbai has made scandalous statements either against the learned Advocate of the opposite side or against the learned Sessions Judge. He applied to the learned Advocate General who was pleased to give his consent under Section 15(1)(b) of the Contempt of Courts Act, 1971.

2. Section 15(2) of the Contempt of Courts Act

states that in the case of any criminal contempt of a subordinate court, the High Court may take action on a reference made to it by the subordinate court or on a motion made by the Advocate General or, in relation to a Union territory, by such Law Officer as the Central Government may,by notification in the Official Gazette, specify in this behalf. We have no doubt in our mind that having regards to the petition memo placed before us, the petitioner’s case against the respondent may fall under Section 15(2) of the Contempt of Courts Act, 1971 and, therefore, it may be advisable for him to apply to the learned Sessions Judge concerned for making a reference to this court.

3. Hence, the petition is rejected by relegating the petitioner to approach the Sessions Court at Mumbai. Needless to mention, all the contentions of the respective parties are left open.

(J.H. Bhatia, J.) **(B.H. Marlapalle,J.)**